



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

PO Box 15126

Albany NY 12212-5126

DECISION OF THE BOARD

Mailed and Filed: SEPTEMBER 12, 2022

IN THE MATTER OF:

Appeal Board No. 623440

PRESENT: GERALDINE A. REILLY, MEMBER

The Department of Labor issued the initial determination charging the claimant with an overpayment of \$890 in Pandemic Unemployment Assistance (PUA) recoverable pursuant to Section 2102 (h) of the Coronavirus Aid, Relief and Economic Security (CARES) Act of 2020. The claimant requested a hearing.

The Administrative Law Judge held a telephone conference hearing at which all parties were accorded a full opportunity to be heard and at which testimony was taken. There was an appearance by the claimant. By decision filed April 25, 2022 (), the Administrative Law Judge sustained the initial determination.

The claimant appealed the Judge's decision to the Appeal Board.

Our review of the record reveals that the case should be remanded to hold a hearing.

The Judge's finding that the benefits received were PUA is disputed by the claimant and the Benefit Ledger / Claim History indicates \$890 in "UI." At the further hearing, the Commissioner of Labor should provide testimony and evidence concerning the Benefit Ledger / Claim History, whether the \$890 in benefits that the claimant received were regular unemployment insurance benefits or PUA, and whether the benefits are recoverable.

Now, based on all of the foregoing, it is

ORDERED, that the decision of the Administrative Law Judge be, and the same

hereby is, rescinded; and it is further

ORDERED, that the case shall be, and the same hereby is, remanded to the Hearing Section to hold a hearing on the issue, upon due notice to all parties and their representatives; and it is further

ORDERED, that the hearing shall be conducted so that there has been an opportunity for the above action to be taken, and, so that at the end of the hearing, all parties will have had a full and fair opportunity to be heard; and it is further

ORDERED, that an Administrative Law Judge shall render a new decision, on the issue, which shall be based on the entire record in this case, including the testimony and other evidence from the original and the remand hearings, and which shall contain appropriate findings of fact and conclusions of law.

GERALDINE A. REILLY, MEMBER